

03/22/01

J1057 U.S.
PTO
FORM PTO-1390
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

12964.23

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/806080

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/EP99/07055	22 September 1999	22 September 1998

TITLE OF INVENTION GENES OF THE 1-DEOXY D-XYLULOSE BIOSYNTHESIS PATHWAY

APPLICANT(S) FOR DO/EO/US JOMAA, Hassan

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). unsigned
10. An English lanugage translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A **FIRST** preliminary amendment.
14. A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. A substitute specification.
16. A change of power of attorney and/or address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information: Express Mail Certificate
Post card

22 MAR 2001

U.S. APPLICATION NO. if known, see 37 CFR 1.137

INTERNATIONAL APPLICATION NO.
PCT/EP99/07055ATTORNEY'S DOCKET NUMBER
12964.2321. The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482)
 nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
 and International Search Report not prepared by the EPO or JPO..... \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to
 USPTO but International Search Report prepared by the EPO or JPO \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO
 but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO
 but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO
 and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =**CALCULATIONS PTO USE ONLY**

Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 860.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	40 - 20 =	20	x \$18.00	\$ 360.00
Independent claims	8 - 3 =	5	x \$80.00	\$ 400.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$ 270.00

TOTAL OF ABOVE CALCULATIONS = \$ 2020.00

Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above
 are reduced by 1/2.

\$ n/a

SUBTOTAL = \$ 2020.00

Processing fee of \$130.00 for furnishing the English translation later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ n/a

TOTAL NATIONAL FEE = \$ 2020.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be
 accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$ 40.00

TOTAL FEES ENCLOSED = \$ 2060.00

Amount to be refunded: \$

charged: \$

- a. A check in the amount of \$ 2060.00 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. 08-1394 in the amount of \$ _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-1394. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Warren B. Kice

Haynes and Boone, LLP
 901 Main Street, Suite 3100
 Dallas, Texas 75202
 Phone: 214-651-5634
 Fax: 214-651-5940

SIGNATURE

Warren B. Kice

NAME

22,732

REGISTRATION NUMBER

09/806080

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC10 Rec'd PCT/PTO 22 MAR 2001

In re application of: §
Jomaa §
§
Serial No.: United States National Phase § I. A. Filing Date: 22 SEP 1999
of PCT/EP99/07055 §
§
Filed: Herewith § Priority Date: 22 SEP 1998
§
For: GENES OF THE 1-DEOXY
D-XYLULOSE BIOSYNTHESIS
PATHWAY §
§

Attention: DO/EO/US
Commissioner for Patents
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

Express Mail Number: EL418590374US

Date of Deposit: March 22, 2001

I hereby certify that the following attached papers and fee:

A Transmittal for United States National Phase; Copy of the International Search Report (German); English Translation of International Application; Diskette containing sequencing listing; Copy of the Preliminary Examination Report (German); Copy of English Translation of Article 34 Amendments; An unsigned Declaration/Power of Attorney; An Assignment Document; Recordation Sheet; Designation of Domestic Representative; a Check in the amount of \$2060.00; and a Return Postcard

are being deposited with United States Postal Service "Express Mail Post Office to addressee" to the Commissioner for Patents, Washington, D. C. 20231.

SANDRA KUBIN

Typed or Printed Name

Sandra Kubin

Signature

March 22, 2001

Date

d-878072.1